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AUG 30 2005

ROBERT H. EPSTEIN*+
KAREN M. GERKEN

TELEPHONE (301) 610-7634

FACSIMILE (301) 610-9569

OF COUNSEL
ROBERT N. LEVIN
AARON B. REITZER*+

VIRGINIA OFFICE
2341 JEFFERSON DAVIS HWY
SUITE 112
ARLINGTON, VIRGINIA
22202

* VA BAR
+ DC BAR

FACSIMILE TRANSMISSION TO USPTO

Date: Tuesday, August 30, 2005

To: Office of Petitions

Facsimile Tel. No.: 571-273-8300

Number of Pages (Including cover sheet) 28

From: Robert H. Epstein
e-mail: rhe@epsteingerken.com

If any difficulties occur during transmission, please contact Amanda at (301) 610-7634.


Message:

Enclosed is a Petition to Revive and accompanying documents for U.S. Patent Application SN 10/059,044.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office on Tuesday, August 30, 2005.

Robert H. Epstein
Typed or printed name of person signing certificate


Signature

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service.

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AUG 30 2005

EPSTEIN & GERKEN
1901 Research Boulevard
Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

Atty Docket No.: 1348.105.US

In re the PATENT application of

Patrick J. Butler

Examiner: Harvey E. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

MAIL STOP: PATENT APPLICATION

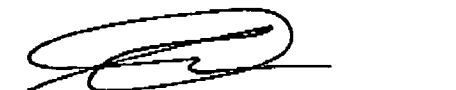
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents for filing in the subject patent application:

Petition for Revival of Application Under 37 C.F.R. §1.137; including copy of March 1, 2004 Office Action; Response to Office Action of March 1, 2004 as filed March 30, 2004; Notice of Abandonment dated October 5, 2004; Response to Notice of Abandonment dated October 29, 2004; and Request for Status dated April 19, 2005.

Respectfully submitted,



Robert H. Epstein
Registration No. 24,353

Delivered Via Facsimile : August 30, 2005

AUG 30 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No.: 1348.105.US

In re the Patent application of

Patrick J. Butler

Examiner: Harvey E. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

PETITION FOR REVIVAL OF APPLICATION UNDER 37 C.F.R. §1.137

MAIL STOP: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant herewith petitions for revival of the subject patent application under 37 C.F.R. §1.137 in that the abandonment was unavoidable due to the PTO losing a properly and timely filed Response.

The documentary time line is as follows:

Item 1 March 1, 2004 – Office Action with shortened statutory period for response of one (1) month

Item 2 March 30, 2004 – Response to Office Action timely filed in the U.S. Patent and Trademark Office by hand delivery (See PTO date stamp of March 30, 2004 on Receipt paper)

Item 3 October 5, 2004 – Notice of Abandonment

Item 4 October 29, 2004 – Response to Notice of Abandonment including copy of Item 2

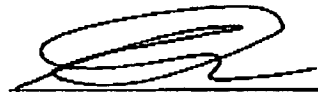
Item 5 April 19, 2005 – Status Request including copy of Return Receipt postcard date stamped by the OIPE on April 22, 2005.

Copies of each of the above documents are enclosed, it being most important to note that the Response (Item 2) is date stamped by the OIPE on March 30, 2004 and, thus, was timely filed such that there should be no "abandonment" of the subject application. Accordingly, it is clear that the "abandonment" of the subject application was unavoidable since the "abandonment" was due to the PTO losing the Response.

Ms. Silverman of the Petitions Branch informed the undersigned today that the PTO copy of Item 2 Response was not received by her along with the Item 4 Response, i.e. lost again by the PTO. Ms. Silverman also stated that revival of the subject application required a Petition.

The PTO is authorized to charge the Petition Fee of \$250.00 in accordance with 37 C.F.R. §1.17(i) to the undersigned's Deposit Account No. 55-2449. However, there should be no fees charged with respect to this matter since the PTO lost the Item 2 Response, not to mention the complete Item 4 Response.

Respectfully submitted,


Robert H. Epstein
Registration No. 24,353

EPSTEIN & GERKEN
1901 Research Boulevard, Suite 340
Rockville, Maryland 20850
(301) 610-7634

Delivered Via Facsimile: August 30, 2005

ITEM #1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,044	01/30/2002	Patrick J. Butler	1348.105-US	4467
7590 03/01/2004				
EPSTEIN & GERKEN 1901 RESEARCH BOULEVARD SUITE 340 ROCKVILLE, MD 20850-3164				
EXAMINER BEHREND, HARVEY E				
ART UNIT		PAPER NUMBER		
3641				

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/059,044	BUTLER ET AL	
	Examiner	Art Unit	
	Harvey E. Behrend	3641	

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-3 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☐ Claim(s) ____ is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☒ Claim(s) 1-3 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date ____	6) <input type="checkbox"/> Other: ____

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)

Office Action Summary

Part of Paper No./Mail Date 1

Application/Control Number: 10/059,044
Art Unit: 3673

Page 2

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18, drawn to a clamp, classified in class 254, subclass 98.
 - II. Claims 19-28, drawn to a method, classified in class 376, subclass 277.
 - III. Claims 29-31, drawn to an apparatus, classified in class 376, subclass 352.

The inventions are distinct, each from the other because:

Inventions II and (I, III) are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, for example, the clamp of Group I could be used to clamp a pipe to a furnace wall or to clamp a pipe to a support in a fossil fuel plant and, the apparatus of Group III could be used in a method wherein the clamp members are located radially with respect to a pipe (rather than vertically) or, it could be used only as a temporary securing means.

Inventions III and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a mere comparison for example

Application/Control Number: 10/059,044
Art Unit: 3673

Page 3

of claims 1. and 29 shows that the combination does not rely on all of the particulars of the subcombination as claimed, for patentability. The subcombination has separate utility such as in clamping a pipe to a furnace wall or to clamp a pipe to a support in a fossil fuel plant.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Upon election of one of the inventions identified above as I-III, applicant is further required under 35 USC 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable:

- A. For use with the bracket assembly of Figs. 1-5.
- B. For use with the bracket assembly of Fig. 6.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a generic claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Application/Control Number: 10/059,044
Art Unit: 3673

Page 4


Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 of the other invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harvey Behrend whose telephone number is (703) 305-1831. The examiner can normally be reached to Tuesday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.



HARVEY E. BEHREND
PRIMARY EXAMINER

ITEM #2

EPSTEIN & GERKEN
1901 Research Boulevard
Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

Atty Docket No.: 1348.105.US

In re the PATENT application of

Patrick J. Butler et al

Serial No.: 10/059,044

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

Examiner: H. Behrend

Group Art Unit: 3641



MAIL STOP: PATENT APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The stamp of the U.S. Patent and Trademark Office placed hereon will indicate the date of receipt of the following:

Transmittal Sheet; and

Response.

Hand-Delivered: 3/30/04



EPSTEIN & GERKEN
1901 Research Boulevard
Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

Atty Docket No.: 1348.105.US

In re the PATENT application of

Patrick J. Butler

Examiner: H. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

MAIL STOP: PATENT APPLICATION


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents for filing in the subject patent application:

Response.

Respectfully submitted,


Karen M. Gerken
Registration No. 31,161

Hand-delivered: 3/30/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No.: 1348.105.US

In re the Patent application of

Patrick J. Butler et al

Examiner: H. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

RESPONSE

MAIL STOP: PATENT APPLICATIONS

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

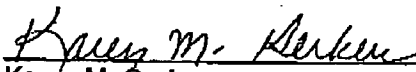
Sir:

This communication is submitted in response to the Office Action of March 1, 2004, requiring restriction of the subject patent application to one of Inventions I, II or III and election of Species A or B.

Applicants hereby elect, without traverse, Invention I and Species A for prosecution on the merits. Claims 1-18 directed to a clamp correspond to Invention I and claims 1-18 are readable on Species A.

In light of the foregoing, early and favorable action on the merits of the subject application is courteously solicited.

Respectfully submitted,


Karen M. Gerken
Registration No. 31,161

EPSTEIN & GERKEN
1901 Research Boulevard, Suite 340
Rockville, Maryland 20850
(301) 610-7634

Hand-Delivered: 8/30/04

ITEM #3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,044	01/30/2002	Patrick J. Butler	1348.105-US	4467
7590 10/05/2004				
EPSTEIN & GERKEN 1901 RESEARCH BOULEVARD SUITE 340 ROCKVILLE, MD 20850-3164			EXAMINER BEHREND, HARVEY E	
			ART UNIT 3641	PAPER NUMBER

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

OCT 06 2004


LAW OFFICES
EPSTEIN & GERKEN

Notice of Abandonment	Application No.	Applicant(s)	
	10/059,044	BUTLER ET AL.	
	Examiner	Art Unit	
	Harvey E. Behrend	3641	<i>W</i>

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 3/1/04
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:


 HARVEY E. BEHREND
 PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 2

ITEM #4

EPSTEIN & GERKEN
1901 Research Boulevard, Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

Attorney Docket No.: 1348.105.US

In re PATENT Application of

Patrick J. Butler

Serial No.: 10/059,044

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End Bracket
Assembly and Methods Therefor



Examiner: H. Behrend

Group Art Unit: 3641

MAIL STOP: PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The stamp of the U.S. Patent and Trademark Office placed hereon will indicate
the date of receipt of the following:

Transmittal Sheet; and

Response to Notice of Abandonment, including copy of Response to
Office Action of March 1, 2004 as filed March 30, 2004

Hand-Delivered: 10-29-04



EPSTEIN & GERKEN
1901 Research Boulevard
Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

Atty Docket No.: 1348.105.US

In re the PATENT application of

Patrick J. Butler

Examiner: Harvey E. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

MAIL STOP: PATENT APPLICATION

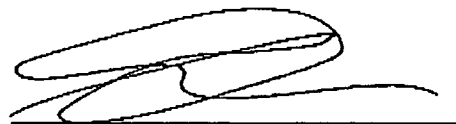
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents for filing in the subject patent application:

Response to Notice of Abandonment, including copy of Response
to Office Action of March 1, 2004 as filed March 30, 2004

Respectfully submitted,



Robert H. Epstein
Registration No. 24,353

Hand-Delivered: 10-29-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No.: 1348.105.US

In re the Patent application of

Patrick J. Butler

Examiner: Harvey E. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

RESPONSE

MAIL STOP: PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

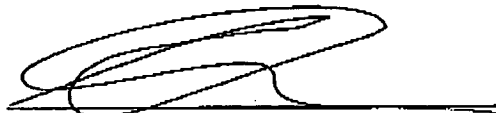
Sir:

In response to the Notice of Abandonment in the subject patent application dated October 5, 2004, the Examiner's attention is directed to the enclosed documents which indicate that a response to the Office Action of March 1, 2004 was, indeed, timely filed on March 30, 2004. The enclosed documents include copies of Applicant's return receipt, date-stamped by the OIPE on March 30, 2004; and Applicant's Transmittal sheet and Response as filed March 30, 2004.

As clearly indicated by the enclosed documents, there has been no abandonment of the subject application; and, therefore, Applicant respectfully requests

that the Notice of Abandonment be immediately withdrawn and the U.S. Patent and Trademark Office proceed with prosecution on the merits of the subject application.

Respectfully submitted,



Robert H. Epstein
Registration No. 24,353

EPSTEIN & GERKEN
1901 Research Boulevard, Suite 340
Rockville, Maryland 20850
(301) 610-7634

Hand-Delivered: 10-29-04

EPSTEIN & GERKEN
1901 Research Boulevard
Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

In re the PATENT application of

Patrick J. Butler et al

Serial No.: 10/059,044

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

Atty Docket No.: 1348.105.US

Examiner: H. Behrend

Group Art Unit: 3641



MAIL STOP: PATENT APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The stamp of the U.S. Patent and Trademark Office placed hereon will indicate the date of receipt of the following:

Transmittal Sheet; and

Response.

Hand-Delivered: 3/30/04



EPSTEIN & GERKEN
1901 Research Boulevard
Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

Atty Docket No.: 1348.105.US

In re the PATENT application of

Patrick J. Butler

Examiner: H. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
Bracket Assembly and Methods Therefor

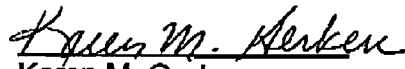
MAIL STOP: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents for filing in the subject patent application:

Response.

Respectfully submitted,


Karen M. Gerken
Registration No. 31,161

Hand-delivered: 3/30/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No.: 1348.105.US

In re the Patent application of

Patrick J. Butler et al

Examiner: H. Behrend

Serial No.: 10/059,044

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Filed: January 30, 2002

For: Clamp Assembly for Feedwater Sparger End
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RESPONSE

MAIL STOP: PATENT APPLICATIONS

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

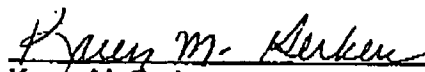
Sir:

This communication is submitted in response to the Office Action of March 1, 2004, requiring restriction of the subject patent application to one of Inventions I, II or III and election of Species A or B.

Applicants hereby elect, without traverse, Invention I and Species A for prosecution on the merits. Claims 1-18 directed to a clamp correspond to Invention I and claims 1-18 are readable on Species A.

In light of the foregoing, early and favorable action on the merits of the subject application is courteously solicited.

Respectfully submitted,



Karen M. Gerken
Registration No. 31,161

EPSTEIN & GERKEN
1901 Research Boulevard, Suite 340
Rockville, Maryland 20850
(301) 610-7634

Hand-Delivered: 8/30/04

ITEM #5

The stamp of the U.S. Patent Office placed hereon will indicate the date of receipt of the following:

Request for Status

Applicants: Patrick J. Butler and H. William McCurdy
For: Clamp Assembly for Feedwater Sparger End Bracket Assembly and
Methods Therefor

ATTORNEY DOCKET NO. 1348.105.US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No.: 1348.105.US

In re the PATENT application of

Patrick J. Butler

Examiner: H. Behrend

Serial No.: 10/059,044

Group Art Unit: 3641

Filed: January 30, 2004

For: Clamp Assembly for Feedwater Sparger End Bracket
Assembly and Methods Therefor

REQUEST FOR STATUS

MAIL STOP: PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

Please provide the undersigned with a statement as to the status of the subject patent application for which a Response to Notice of Abandonment was filed on October 29, 2004.

A response would be appreciated as soon as possible.

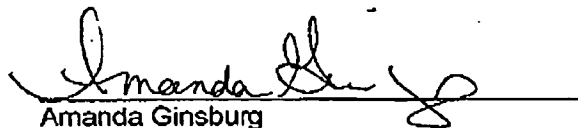
Respectfully submitted,



Robert H. Epstein
Registration No. 24,353

EPSTEIN & GERKEN
1901 Research Blvd., Suite 340
Rockville, Maryland 20850
(301) 610-7634

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP: PATENT APPLICATION**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 19, 2005.



Amanda Ginsburg